

Charter
Inland Waterways Users Board

1. Committee's Official Designation: The Committee shall be known as the Inland Waterways Users Board ("the Board").
2. Authority: The Secretary of Defense, pursuant to 33 U.S.C. § 2251(a) and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. §102-3.50(a), established this statutory Board.
3. Objectives and Scope of Activities: The Board shall provide independent advice and recommendations on matters relating to the U.S. inland waterways and inland harbors, as set out in paragraph four below.
4. Description of Duties: According to 33 U.S.C. § 2251(b)(2), the Board shall provide the Secretary of Defense and the Deputy Secretary of Defense, through the Secretary of the Army and the Assistant Secretary of the Army for Civil Works, independent advice and recommendations on the following matters regarding the inland waterways and inland harbors of the United States:
 - a. For commercial navigation features and components of the inland waterways and inland harbors of the United States, the Board shall provide:
 - 1) prior to the development of the budget proposal of the President for a given fiscal year, advice and recommendations to the Secretary of the Army regarding construction and rehabilitation priorities and spending levels;
 - 2) advice and recommendations to Congress regarding any feasibility report for a project on the inland waterway system that has been submitted to Congress pursuant to 33 U.S.C. § 2282d;
 - 3) advice and recommendations to Congress regarding an increase in the authorized cost of those features and components;
 - 4) not later than 60 days after the date of the submission of the budget proposal of the President to Congress, advice and recommendations to Congress regarding construction and rehabilitation priorities and spending levels; and
 - 5) advice and recommendations on the development of a long-term capital investment program in accordance with 33 U.S.C. § 2251(d).
 - b. The Chair of the Board shall appoint a representative of the Board to serve as an advisor to the project development team for a qualifying project or the study or design of a commercial navigation feature or component of the inland waterways and inland harbors of the United States. The Chair of the Board and the project development team member appointed by the Chair may sign the project management plan for the qualifying project or the study or design of a commercial navigation feature or component of the inland waterways and inland harbors of the United States. (33 U.S.C. §§ 2251(b)(3) and (e))

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5. Agency or Official to Whom the Committee Reports: The Board shall report to the Secretary of Defense through the Secretary of the Army, the Assistant Secretary of the Army for Civil Works, and the U.S. Army Corps of Engineers. The Secretary of the Army, pursuant to DoD policy, may act upon the Board's advice and recommendations. Pursuant to 33 U.S.C. § 2251(c), the Secretary shall:
 - a. communicate not less frequently than once each quarter to the Board the status of the study, design, or construction of all commercial navigation features or components of the inland waterways or inland harbors of the United States; and
 - b. submit to the Board a courtesy copy of all completed feasibility reports relating to a commercial navigation feature or component of the inland waterways or inland harbors of the United States.
6. Support: The Department of Defense (DoD), through the Department of the Army, shall support the Board's functions and shall ensure compliance with the requirements of the FACA, the Government in the Sunshine Act of 1976 ("the Sunshine Act") (5 U.S.C. § 552b, as amended), governing Federal statutes and regulations, and DoD policies and procedures.
7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost for the Board, to include travel, meetings, and contract support, is approximately \$350,000.00. The estimated annual personnel cost to the DoD is 2.4 full time equivalents.
8. Designated Federal Officer: The Board's Designated Federal Officer (DFO), pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee designated in accordance with governing DoD policies and procedures.

In addition, the Board's DFO is required to be in attendance at all meetings of the Board and any subcommittees for the entire duration of each and every meeting. However, in the absence of the Board's DFO, a properly approved Alternate DFO, duly designated to the Board according to DoD policies and procedures, shall attend the entire duration of the meetings of the Board or any subcommittees.

The DFO, or the Alternate DFO, shall call all meetings of the Board and any subcommittees; prepare and approve all meeting agendas; and adjourn any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public's interest or required by governing regulations or DoD policies and procedures.
9. Estimated Number and Frequency of Meetings: Pursuant to 33 U.S.C. § 2251(b), the Board shall meet not less frequently than semiannually.
10. Duration: The need for this advisory function is on a continuing basis, although the charter will be subject to periodic review every two years.
11. Termination: The Board shall terminate upon repeal of 33 U.S.C. § 2251.

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12. Membership and Designation: Pursuant to 33 U.S.C. § 2251(a), the Board shall be composed of eleven members, who shall be appointed to serve as representative members as directed by 33 U.S.C. § 2251(f)(2). The members shall be selected so as to represent various regions of the country and a spectrum of the primary users and shippers utilizing the inland and intracoastal waterways for commercial purposes. Due consideration shall be given to assure a balance among the members based on the ton-mile shipments of the various categories of commodities shipped on inland waterways.

Commercial users and shippers invited to serve on the Board shall designate an individual to represent the organization's interests. Based upon the Secretary of the Army's recommendation of the organizations and their proposed representatives, the Secretary of Defense or the Deputy Secretary of Defense shall authorize the invitation of the representative members and the Secretary of the Army shall administratively certify the appointment. The representative members will be appointed pursuant to 41 C.F.R. § 102-3.130(a) for a two-year term of service. A user or shipper may be represented on the Board no more than two terms of service, without prior approval of the Secretary of Defense or the Deputy Secretary of Defense. A user or shipper may be subsequently represented on the Board, but only after being off the Board for at least two years.

In addition, the Secretary of the Army shall designate, and the Secretaries of Agriculture, Transportation, and Commerce may each designate, a representative to act as an observer of the Board. These observers, who have no voting rights, shall each be a full-time or permanent part-time employee of his or her respective agency and will serve as a regular government employee (RGE) member appointed pursuant to 41 C.F.R. § 102-3.130(a).

Pursuant to 33 U.S.C. § 2251(a), the Secretary of the Army shall designate one Board member to serve as the Board's Chairperson. The Secretary of the Army may also designate a Vice Chair.

With the exception of reimbursement of official Board-related travel and per diem, Board members shall serve without compensation.

13. Subcommittees: The DoD, when necessary and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees, task groups, or working groups to support the Board. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the Secretary of the Army. Currently, the Board does not use subcommittees. If the Department determines that the establishment of subcommittees is warranted, the Board's charter and membership balance plan must be amended prior to such establishment.
14. Recordkeeping: The records of the Board shall be managed in accordance with General Records Schedule 6.2, Federal Advisory Committee Records, or other approved agency records disposition schedule, and the appropriate DoD policies and procedures. These

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records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. §552, as amended).

15. Filing Date: April 19, 2017